

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN DIVISION**

**IN RE: Valsartan N-Nitrosodimethylamine
(NDMA), and Irbesartan Products Liability
Litigation**

**MDL No. 2875
Civil No. 19-02875 (RBK)**

This Document Relates to All Actions

SPECIAL MASTER ORDER NO. 46

This matter having come before the Special Master in this Multi-District Litigation on Plaintiffs' Motion for Leave to Amend Master Complaints (one for personal injury, one for economic loss, and one for medical monitoring claims), and a Report addressing the various issues presented on Plaintiffs' Motion and the replies thereto on behalf of each of the three categories of the Defendants' – Manufacturers, Wholesalers, and Pharmacies – having been issued on this date, and for the reasons set forth in that Report, **IT IS HEREBY ORDERED THAT:**

1. Plaintiffs are denied leave to amend the Master Complaints to assert breach of express warranty claims against the Pharmacy Defendants.
2. Plaintiffs are denied leave to amend the Master Complaints to assert breach of express warranty claims against the Wholesaler Defendants.
3. Plaintiffs are denied leave to amend the Personal Injury Master Complaint to assert a claim for breach of implied warranty against the

- Manufacturer and Wholesaler Defendants under the law of Kentucky.
4. Plaintiffs are denied leave to amend the Master Complaints to assert claims for breach of implied warranties against the Manufacturer Defendants under the laws of Alabama, Arizona, Idaho, North Carolina, Ohio, and Tennessee.
 5. Plaintiffs are denied leave to amend the Economic Loss and Medical Monitoring Master Complaints to assert breach of implied warranty claims against the Wholesaler Defendants under the laws of Arizona, Connecticut, Georgia, Idaho, Illinois, Kentucky, New York, Oregon, Tennessee, Vermont, and Wisconsin.
 6. Plaintiffs are denied leave to amend the Master Complaints to assert breach of implied warranty claims against the Pharmacy Defendants under the laws of Alabama, Arizona, Arkansas, California, Connecticut, the District of Columbia, Florida, Georgia, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.
 7. Plaintiffs are denied leave to amend the Master Complaints to present

- fraud-based claims against the Pharmacy and Wholesaler Defendants.
8. Plaintiffs are denied leave to amend the Medical Monitoring Master Complaint to assert a claim for medical monitoring under Mississippi law.
 9. Plaintiffs are denied leave to amend the Master Complaints to assert negligence claims against the Pharmacy and Wholesaler Defendants.
 10. Plaintiffs are denied leave to amend the Personal Injury Master Complaint to assert strict liability claims against the Pharmacy Defendants under the laws of Connecticut, Mississippi, Missouri, South Carolina, and Texas.
 11. No later than October 28, 2021, Plaintiffs shall show cause why the claims asserted against Humana Pharmacy, Inc., Arrow Pharma Malta, Torrent Pharmaceuticals, and Torrent Pharma in the economic loss master complaint and the claims asserted against Albertson's, LLC, Humana Pharmacy, Inc., the Kroger Co., OptumRx, Arrow Pharma Malta, Torrent Pharmaceuticals, and Torrent Pharma in the medical monitoring master complaint should not be dismissed with prejudice.
 12. In all other respects, Plaintiffs' Motion for Leave to Amend Master Complaints (ECF No. 1148) is **GRANTED**.
 13. Plaintiffs shall file amended master complaints consistent with Special

Master Report No. 2 and this Order no later than November 1, 2021.

14. In accordance with Fed. R. Civ. P. 53(f)(2), any party may object to or seek modification of this Order and/or the accompanying Report within twenty-one (21) days of the date of this Order.

s/ Thomas I. Vanaskie
Hon. Thomas I. Vanaskie (Ret.)
Special Master

October 7, 2021